

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ARTHUR BELFIORE,

Plaintiffs,

***ANSWER TO CROSS-  
CLAIMS***

-against-

***Case No. 08-CV-2365  
(LAP)(RLE)***

979 THIRD AVENUE ASSOCIATES, LLC, D&D  
BUILDING COMPANY, LLC, COHEN BROTHERS  
REALTY CORPORATION and TRICON  
CONSTRUCTION SERVICES, INC.,

Defendant(s).

-----X  
Defendant, TRICON CONSTRUCTION SERVICES, INC., by its attorneys, ABRAMS,  
GORELICK, FRIEDMAN & JACOBSON, P.C., as and for its Answer to defendants 979  
THIRD AVENUE ASSOCIATES, LLC, D&D BUILDING COMPANY, LLC, COHEN  
BROTHERS REALTY CORPORATION's Cross-Claims allege, upon information and belief, as  
follows:

1. To the extent that a response to paragraph "54" of the defendants 979 THIRD  
AVENUE ASSOCIATES, LLC, D&D BUILDING COMPANY, LLC, COHEN BROTHERS  
REALTY CORPORATION's Cross-Claims is required, defendant TRICON CONSTRUCTION  
SERVICES, INC. denies each and every allegation contained in paragraph "54" and defendant  
TRICON CONSTRUCTION SERVICES, INC. refers all questions of law to the Court for  
determination.

2. To the extent that a response to paragraph "55" of the defendants 979 THIRD  
AVENUE ASSOCIATES, LLC, D&D BUILDING COMPANY, LLC, COHEN BROTHERS

REALTY CORPORATION's Cross-Claims is required, defendant TRICON CONSTRUCTION SERVICES, INC. denies each and every allegation contained in paragraph "55" and defendant TRICON CONSTRUCTION SERVICES, INC. refers all questions of law to the Court for determination.

3. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth in paragraph "56" of defendants 979 THIRD AVENUE ASSOCIATES, LLC, D&D BUILDING COMPANY, LLC, COHEN BROTHERS REALTY CORPORATION's Cross-Claims.

4. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth in paragraph "57" of defendants 979 THIRD AVENUE ASSOCIATES, LLC, D&D BUILDING COMPANY, LLC, COHEN BROTHERS REALTY CORPORATION's Cross-Claims and refers all questions of law to the Court for determination.

5. Denies each and every allegation contained in paragraph "58" of the defendants 979 THIRD AVENUE ASSOCIATES, LLC, D&D BUILDING COMPANY, LLC, COHEN BROTHERS REALTY CORPORATION's Cross-Claims and defendant TRICON CONSTRUCTION SERVICES, INC. refers all questions of law to the Court for determination.

6. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth in paragraph "59" of defendants 979 THIRD AVENUE ASSOCIATES, LLC, D&D BUILDING COMPANY, LLC, COHEN BROTHERS REALTY CORPORATION's Cross-Claims.

7. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth in paragraph "60" of defendants 979 THIRD AVENUE

ASSOCIATES, LLC, D&D BUILDING COMPANY, LLC, COHEN BROTHERS REALTY CORPORATION's Cross-Claims and refers all questions of law to the Court for determination.

8. Denies each and every allegation contained in paragraph "61" of the defendants 979 THIRD AVENUE ASSOCIATES, LLC, D&D BUILDING COMPANY, LLC, COHEN BROTHERS REALTY CORPORATION's Cross-Claims and defendant TRICON CONSTRUCTION SERVICES, INC. refers all questions of law to the Court for determination.

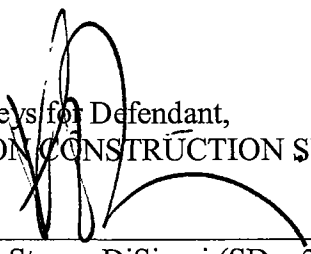
9. Denies each and every allegation contained in paragraph "62" of the defendants 979 THIRD AVENUE ASSOCIATES, LLC, D&D BUILDING COMPANY, LLC, COHEN BROTHERS REALTY CORPORATION's Cross-Claims and defendant TRICON CONSTRUCTION SERVICES, INC. refers all questions of law to the Court for determination.

WHEREFORE, the answering defendant, TRICON CONSTRUCTION SERVICES, INC., demands judgment dismissing defendants 979 THIRD AVENUE ASSOCIATES, LLC, D&D BUILDING COMPANY, LLC, COHEN BROTHERS REALTY CORPORATION's Cross-Claims as to it, together with the costs and disbursements of this action, or, in the alternative, demands that the ultimate rights of the plaintiff, answering defendant, and co-defendants, be determined in this action with regard to all claims, and cross-claims and that the answering defendant have judgment over and against the plaintiff, and the co-defendants, each of them, in the proportion that each of their culpable conduct bears to the entire culpable conduct involved in the occurrence, and have judgment over and against, and indemnity from the plaintiffs and the co-defendants together with the costs and disbursements of this action.

Dated: New York, New York  
March 26, 2008

ABRAMS, GORELICK, FRIEDMAN &  
JACOBSON, P.C.

Attorneys for Defendant,  
TRICON CONSTRUCTION SERVICES, INC.

By:   
Steven DiSiervi (SD – 2511)  
One Battery Park Plaza – 4<sup>th</sup> Floor  
New York, New York 10004  
(212) 422-1200

TO: Edward Wagner, Esq.  
WAGNER & WAGNER, LLP  
Attorney for Plaintiff  
2508 Amboy Road  
Staten Island, New York 10306  
(718) 667-7400

Angela P. Pensabene, Esq.  
HOEY, KING, TOKER & EPSTEIN  
Attorneys for the Defendants  
979 THIRD AVENUE ASSOCIATES, LLC,  
D&D BUILDING COMPANY, LLC, and  
COHEN BROTHERS REALTY CORPORATION  
55 Water Street  
29<sup>th</sup> Floor  
New York, New York 10041-2899  
(212) 612-4200

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ARTHUR BELFIORE,

Plaintiffs,

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-against-

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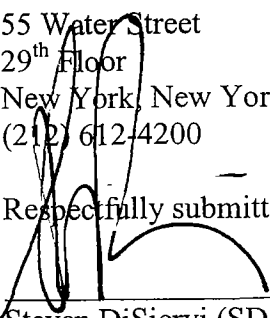
**CERTIFICATE OF SERVICE**

I hereby certify that on March 26, 2008, the foregoing Answer to Cross-Claims was filed with the Clerk of the Court and served in accordance with the Southern District's Rules on Electronic Service and Local Rule 5.2 upon the following:

Edward Wagner, Esq.  
WAGNER & WAGNER, LLP  
Attorney for Plaintiff  
2508 Amboy Road  
Staten Island, New York 10306  
(718) 667-7400

Angela P. Pensabene, Esq.  
HOEY, KING, TOKER & EPSTEIN  
Attorneys for the Defendants  
979 THIRD AVENUE ASSOCIATES, LLC  
D&D BUILDING COMPANY, LLC, and  
COHEN BROTHERS REALTY  
CORPORATION  
55 Water Street  
29<sup>th</sup> Floor  
New York, New York 10041-2899  
(212) 612-4200

Respectfully submitted,

  
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Steven DiSiervi (SD – 2511)  
Abrams, Gorelick, Friedman  
& Jacobson, P.C.  
Attorneys for Defendant

TRICON CONSTRUCTION SERVICES,  
INC.

One Battery Park Plaza

Fourth Floor

New York, New York 10004

(212) 422-1200